

Town Warrant
Commonwealth of Massachusetts
May 4, 2015

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 4th day of May, 2015 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 11th day of May, 2015 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers: two Selectmen, one Assessor, two School Committee Members, one Light Commissioner, one Water Commissioner, and two Peabody Library Trustees, for three years; and one School Committee Member (to fill an unexpired term) for two years; one Peabody Library Trustee (to fill an unexpired term) for one year; and one Planning Board Member (to fill an unexpired term) for three years; and one Planning Board Member, and one Housing Authority Member for five years.

Article 1: Town Officers and Committee Reports (ATM15-01)

To hear and act on the reports of the Town Officers and Committees.

Article 2: General Operating Budget/Reserve Fund (ATM15-02)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by Section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2015, or take any other action in relation thereto.

Article 3: Stabilization Fund (ATM15-03)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

Article 4: Capital Fund (ATM15-04)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 to be added to the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, said funds to be further appropriated by Town Meeting

for improvements and/or repairs to municipal buildings and infrastructure, or take any other action in relation thereto.

Article 5: Water Department Operating Budget (ATM15-05)

To see if the Town will appropriate the receipts and available funds of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2015, or take any other action in relation thereto.

Article 6: Fire Department Ambulance Operating Budget (ATM15-07)

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2015, or take any other action in relation thereto.

{BEGIN CONSENT CALENDAR}

Article 7: Municipal Light Department Continuation of Operation (ATM15-08)

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2015, or take any other action in relation thereto.

Article 8: Zoning Board of Appeals Revolving Fund (ATM15-09)

To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed \$20,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

Article 9: Conservation Commission Revolving Fund for Camp Denison (ATM15-11)

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$25,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

Article 10: Chapter 90 Reimbursement, Transportation Bond (ATM15-13)

To see if the Town will appropriate the sum of \$305,483 (Three hundred five thousand four hundred and eighty three dollars) or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 11: Fire Department, Fire Alarm Revolving Fund (ATM15-15)

To see if the Town will vote to continue a Georgetown Fire Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the annual fees charged for connection to the Municipal Fire Alarm system to be expended without further appropriation for the purpose of maintaining the Municipal Fire Alarm System. The Fire Department may expend from the account an amount not to exceed \$14,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

Article 12: Inspections Department, Revolving Fund (ATM15-16)

To see if the Town will vote to continue an Inspections Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees associated with electronic permit tracking software when permits are issued by the Town of Georgetown. Funds to be expended without further appropriation for the purpose of funding permit tracking software fees, training, computer upgrades, data storage, and electronic data conversion of existing paper files and contract work associated with the electronic permitting system. The Inspections Department may expend from this account an amount not to exceed \$12,000 for the fiscal year beginning July 1, 2015, or take any other action in relation thereto.

Article 13: Local Access Programming

To see if the Town will vote to continue a Cable Television Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by the Annual License Fee and the PEG Capital Funding (Section 7.4 of the contract) paid by Comcast and Verizon to the Town to be expended without further appropriation for the purpose of Local Access Programming, including but not limited to, utilities, salaries, equipment, maintenance and office supplies. The Cable Advisory Committee, with the approval of the Board of Selectmen, may expend from this account an amount not to exceed \$100,000 for the Fiscal Year beginning July 1, 2015; or take any other action in relation thereto.

{END CONSENT CALENDAR}

Article 14: Fire Department, Ladder Truck Payment (ATM15-17)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$77,000 (seventy seven thousand dollars) for the Fiscal Year 2016 lease payment for the Fire Department ladder truck, or take any other action in relation thereto.

Article 15: Other Post-Employment Benefits Trust Fund (ATM15-18)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum not to exceed \$50,000 (fifty thousand dollars) to be added to the Other Post-Employment Benefits Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B, §20, or take any other action in relation thereto.

Article 16: Council on Aging, Senior Center (ATM15-35)

To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds, a sum of money for design and engineering services and to modify and equip a portion of

the Perley School to be used as the Georgetown Senior Center, including all costs incidental or related thereto, or take any other action in relation thereto.

Article 17: Capital Improvement Program, Voting Machines (ATM15-20)(Submitted by the Town Clerk)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to purchase three (3) new digital scan vote tabulators, or take any other action in relation thereto.

Article 18: Capital Improvement Program, Tree Removal (ATM15-30)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money for the removal of trees around the Public Safety Building, or to take any other action in relation thereto.

Article 19: Capital Improvement Program, Auditorium Flooring (ATM15-31)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to replace the auditorium flooring in the Middle/High School, or to take any other action in relation thereto.

Article 20: Capital Improvement Program, Steel Exterior Door (ATM15-32)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to replace the exterior door in the Middle High School, or to take any other action in relation thereto.

Article 21: Fire Department, Calibration System (ATM15-22)(Submitted by the Fire Department)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to purchase a calibration system for the Fire Department's gas meters, or to take any other action in relation thereto.

Article 22: Fire Department, Repair Engine 1, 2003 E-One Pumper Truck (ATM15-24)
(Submitted by the Fire Department)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to repair and equip Engine 1, or to take any other action in relation thereto.

Article 23: Reduce Finance and Advisory Committee from 9 to 7 members (ATM15-29)

To see if the Town will vote to amend the General Bylaw, §63-1, *Finance and Advisory Board*, by deleting the language shown in strikethrough and adding the language shown in bold to reduce the number of members of the Finance and Advisory Board from nine to seven as follows:

It shall be the duty of the Moderator to maintain a board of ~~nine~~ **seven** members to be known as the "Finance and Advisory Board," who shall hold no elective office in the town, and who shall serve without pay. The term of appointment for said Board members shall be **for alternating** three years **terms** or for **such** shorter periods ~~when~~ **as may be** necessary to fill vacancies. At or following each Annual Town Meeting, the Moderator shall appoint ~~three~~ members to said

~~Board., except that the first year this article takes effect he is to appoint three members for three years, three members for (2) years and three members for one year~~

Provided, however, that to implement this reduction in the size of the Finance and Advisory Board, one of the Board member positions expiring June 30, 2015 and one expiring June 30, 2016 shall not be filled.

Article 24: Community Preservation Committee (ATM15-25) (Submitted by CPC)

A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation budget and to appropriate, pursuant to G.L. Ch. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2016; and further, pursuant to G.L. Ch. 44B §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2016 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$56,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$56,000 (>10% of the estimated FY revenues) for historic resources; and

\$56,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

\$144,424.85 (One Hundred Forty Four Thousand four hundred twenty four dollars and eighty five cents) from Undesignated Funds and **\$56,000** (Fifty Six Thousand dollars) from the Open Space / Recreational Land Reserve for a total of **\$200,424.85** (Two Hundred Thousand Four Hundred Twenty Four dollars and eighty five cents) for: the Debt Service, principal and interest payments and any and all costs associated with Bond notes and instruments incurred by the Community Preservation Fund related to the Articles previously appropriated at Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13);

or take any other action in relation thereto.

B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate from the Community Preservation Fund Community Housing Reserve Account, the amount of **\$63,134** (Sixty Three Thousand one hundred thirty four dollars) and **\$16,866** (Sixteen Thousand eight hundred sixty six dollars) for a total of **\$80,000** (Eighty Thousand Dollars) as a grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust’s Articles of Incorporation and the accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen and the Community Preservation Committee to enter into a grant agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, which may include a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions; or take any other action in relation thereto.

C: Community Preservation Community Housing Category, “Housing Authority Stormdoors”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account, the amount of **\$3,600** (Three Thousand Six Hundred Dollars) to the Georgetown Housing Authority for the costs related to the installation of storm doors at the Trestle Way Housing Authority Complex; and to authorize the Board of Selectmen and the Housing Authority, in consultation with the Community Preservation Committee to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

D: Community Preservation Historic Resources Category, “Digitization of Historic Documents”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account the amount of **\$22,000** (Twenty Two Thousand dollars) to be used solely for the ongoing preservation via digitization of Georgetown's historical documents and records. These historical documents will be scanned and appropriately archived ; and to authorize the Board of Selectmen and the Georgetown Historical Commission, in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative; Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

E: Community Preservation Historic Resources Category, “Town Hall Shrub Fence”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account the amount of **\$9,500** (Nine Thousand five hundred dollars) to be used for the ongoing preservation of Georgetown's Historic Town Hall through the installation of a Shrub Fence for the property; and to authorize the Board of Selectmen and the Georgetown Highway Surveyor in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for this purpose and for any grants to defer the costs associated with this initiative; Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

F: Community Preservation Open Space / Recreational Land Category “Rehabilitation of American Legion Park (Phase 3)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated funds the amount of **\$46,833** (Forty Six Thousand Eight Hundred Thirty Three dollars) to further fund the ongoing engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation of the American Legion Park. This will include the replacement of playground equipment; and improvements to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen and Park and Recreation Commission, in consultation with the Community Preservation Committee to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

G: Community Preservation Open Space / Recreational Land Category “West St. Soccer fields Rehabilitation (Phase 1)”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Funds the amount of **\$45,000** (Forty Five Thousand Dollars) to fund the engineering, permitting and implementation of improvements, as recommended by the Parks and Recreation Commission, to the West Street fields, including all costs incidental and related to the rehabilitation of the facility; and further to authorize the Board of Selectmen; Parks and Recreation Commission; and the Georgetown Water Commission, in consultation with the Community Preservation Committee to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund Open Space / Recreational Land Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

H: Community Preservation Recreational Land Use Category, “East Main Street Active Recreational Land Access and Development (Phase 1 Completion Costs)”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account a total of **\$140,000** (One Hundred Forty Thousand Dollars) to fund the ongoing engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the ongoing creation of an Active Recreational Facility at the location of the Recreational land off of Main Street, purchased by Art 20(E) of the Annual Town Meeting of May 4th, 2009; and to further provide for the costs of the engineering, permitting, development and legal pursuance regarding the access to and the continued development of The Georgetown Active Recreational Greenway of which the said Recreational land Facility is a component; and further, to authorize the Board of Selectmen and Parks and Recreation Commission, in consultation with the Community Preservation Committee to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

I: Community Preservation Recreational Land Use Category, “Active Recreational Land Purchases”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account **\$158,000** (One Hundred Fifty Eight Thousand Dollars) to fund for Active Recreational purposes, the acquisition of two parcels of land totaling approximately 29 acres, and for the appraisal, survey, title research and legal costs associated with the purchase, gift or eminent domain of the purchase of the two parcels, and to authorize the Board of Selectmen to acquire said property. The first parcel, of approximately 9 acres, is identified as Assessors Map 16, Lot 6. The second parcel, of approximately 20 acres, is identified as Assessors Map 16, Lot 7. Said parcels are to be managed and controlled by the Parks and Recreation Commission of the Town of Georgetown. And further to provide for the costs of the engineering, permitting, development and legal assistance regarding the parcels for the access to and the continued development of The Georgetown Active Recreational Greenway. And further, that the Board of Selectmen, Community Preservation Committee and the Parks and Recreation Commission be authorized to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the purchase and development of the parcels and including the conveyance of perpetual recreational restrictions in accordance with M.G.L. Chapter 184, as required by Section 12(a) of Chapter 44B as amended, as may be necessary on behalf of the Town of Georgetown to affect said purchase. Said restrictions may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. Ch. 44B. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 25: Definitions and Word Usage: Subtractions and Additions (ATM15-37) (Submitted by Planning)

Definitions and Word Usage: Subtractions.

To see if the Town will vote to amend the Zoning Bylaw,
§165-7 – Definitions and word usage by *REMOVING* the following definitions:

PLANNED UNIT DEVELOPMENT – A tract developed in accordance with Article VII.

Definitions and Word Usage: Additions.

To see if the Town will vote to amend the Zoning Bylaw,
§165-7 – Definitions and word usage by *ADDING* the following definitions:

MEDICAL OFFICE – Suite of rooms, including a laboratory, where a physician or group of medical practitioners receive and treat patients on an on-going basis and otherwise provide health services to consumers.

OPEN SPACE RESIDENTIAL DEVELOPMENT – Method of planning residential development that conserves open space in a manner that maximizes the protection of natural resources (wetlands, forests, agriculture lands, open space) while providing for new construction and adequately compensating landowners.

or take any other action in relation thereto.

A 2/3 vote is required to amend the Zoning Bylaw.

Article 26: Solar Energy Facilities (ATM15-26) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw by inserting a new bylaw, Article XVIV Solar Energy Facilities, as set forth below, applicable to solar photovoltaic installations, establishing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations, or take any other action in relation thereto.

ARTICLE XVIII Solar Energy Facility

§ 165-135 Purpose and Intent.

A.

The purpose of this bylaw is to promote the creation of new solar photovoltaic installations, herein referred to as a Solar Energy Facility, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

B. The Provisions set forth in this bylaw shall be applied together and consistent with all other applicable provisions of the Zoning Bylaws, provided that in the event of a conflict the more restrictive provision shall apply

§ 165-136 Scope of Authority.

- A. The Planning Board shall act as the Permit Granting Authority (PGA) for Site Plan Approval of Solar Energy Facility projects.

§ 165-137 Applicability.

- A. Construction and use of a Solar Energy Facility or any part thereof shall require Site Plan Approval issued in accordance with this bylaw and Section 165-83 of the Zoning Bylaws. Such approval shall be required for new Solar Energy Facilities and for subsequent modifications to existing facilities that materially alter the type, configuration, or size of such facilities or related equipment.

- B. Nothing in this section shall be construed to prevent the installation of accessory roof-mounted, solar photovoltaic installations on single and two-family residential dwelling structures.

§ 165-138 Definitions.

The following terms as used in this ordinance are defined as follows;

Commercial Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation where the primary use is electrical generation to be sold to wholesale electricity markets. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

Ground Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground.

On-Site Solar Energy Facility: A ground mounted and/or roof mounted solar photovoltaic installation for the purpose of electrical generation where the facility is an accessory use to the principal use of the property on which the facility is located, and will generate electricity to be primarily consumed by the principal use of the property. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

Solar Energy Facility: For the purpose of this bylaw, a Solar Energy Facility shall mean both on-site solar energy facilities and commercial solar energy facilities. Such facility shall include, but is not limited to, transmission, storage, collection and supply equipment, substations, appurtenant structures, transformers, service and access roads utilized in connection with the conversion of solar energy into electrical power.

§ 165-139 General Provisions.

- B. **Administration:**
Prior to construction, installation or modification of a Solar Energy Facility, all provisions of this bylaw shall be met.
- C. **Compliance with Zoning Laws, Ordinances and Regulations:**
The construction and operation of all Solar Energy Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Solar Energy Facility shall be constructed in accordance with the State Building Code.
- D. **Fees:**
A filing fee as established by the PGA must accompany the Solar Energy Facility Site Plan Approval Application. This filing fee is established as the minimum filing fee required by the Planning Board for Site Plan Approval as outlined in the fee schedule.
- E. **General:**

All plans, maps and pertinent documents shall be prepared, stamped and signed by the appropriate professional engineer or landscape architect who is licensed to practice in the Commonwealth of Massachusetts.

F. Utility Notification:

No Solar Energy Facility shall be constructed until satisfactory evidence has been provided to the PGA that the Town of Georgetown Municipal Light Department has approved the connection of the Solar Energy Facility to the power grid. Installation of a Solar Energy Facility must meet the requirements of the "Qualifying Facility Power Purchase Rate" and "Standards for Interconnecting Distributed Generation" as published by the Town of Georgetown Light Department.

G. Safety Standards:

The Solar Energy Facility owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the facility to the PGA, the Building Inspector, the Police Chief, and the Fire Chief.

- (1) **Emergency Services Plan:** The Solar Energy Facility owner and/or operator shall provide a written plan including but not limited to a project summary, electrical schematic, and site plan to the Town's local safety officials including the Police Chief, Fire Chief and Building Inspector. The PGA shall confirm adequacy of emergency access and safety procedures with the local safety officials prior to approval of any site plan for the Solar Energy Facility.
- (2) **Unauthorized Access:** The Solar Energy Facility shall be designed to allow access within the area of proposed limit of work to authorized personnel only. Electrical equipment shall be locked where possible.

H. Proof of Liability Insurance:

The applicant shall be required to provide evidence of liability insurance in an amount, and for the duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;

I. Financial Surety:

Proponents of solar photovoltaic projects shall provide a form of surety to the Town of Georgetown, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Solar Energy Facility is discontinued and not removed and the site remediated as required herein. The surety shall be in an amount and form determined to be reasonable by the PGA but not in an amount to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and confirmed by the PGA. The proponents shall provide a security sufficient to cover the cost of removal for the first ten (10) year period. For every five (5) year term thereafter, the proponent shall return to the PGA to renew the surety in the amount sufficient to cover the costs of removal of the facility for the next five (5) year term. The applicant shall submit a fully inclusive estimate of the costs associated with removal of the facility as outlined in this section. The estimate of cost shall be prepared by a professional civil engineer and shall include a mechanism requiring the permit holder to continually adjust the amount of security in proportion to cost of living adjustments. Such surety will not be required for municipal and state-owned facilities.

J. Operations and Maintenance Plan:

The project proponent shall submit a plan for the operation and maintenance of the Solar Energy Facility. This plan shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation

§ 165-140 Site Plan Approval Review Criteria and Procedures.

A. Criteria:

In the review and evaluation of a Solar Energy Facility application, and in making a written final determination, the PGA shall consider but not be limited to the following regulations;

- (1) Minimizes the volume of cut and fill, the number of removed trees that are six (6) inches or more in caliper, the area of wetland vegetation displaced, soil erosion, and threat of air and water pollution;
- (2) Provides adequate storm water management and other utilities, which shall at a minimum be consistent with the requirements of the Town of Georgetown Subdivision Rules and Regulations, Department of Environmental Protection, Massachusetts Stormwater Management Handbook (as revised), and other applicable regulation;
- (3) Minimizes obstruction of scenic views from publicly accessible locations;
- (4) Maximizes pedestrian and vehicular safety on-site, including points of ingress and egress;
- (5) Minimizes glare from headlights and lighting intrusion and reflection from photovoltaic panels;
- (6) Minimizes unreasonable departure from character, materials, and scale of buildings in the vicinity, as viewed from public ways and places or premises residentially used or zoned;
- (7) Provides adequate access to each structure for emergency response service equipment;

B. Submission Requirements and Required Documents:

The following information shall be provided for a Solar Energy Facility Site Plan Approval application, together with such information as is required to be submitted in accordance with the requirements of Section §165-83.

- (1) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and over current devices;
- (2) Photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversion of solar energy into electrical energy production;
- (3) Documentation of the major system components to be used, specifications of the photovoltaic panels including manufacturer and model, mounting system, collection, storage and supply equipment, and other associated components required for the conversation of solar energy into electrical energy production.
- (4) Name, address, and contact information for proposed system installer;
- (5) Location of the proposed solar system panels, arrangement of arrays, appurtenant structures, transmission infrastructure, foundations, and associated ground equipment, fencing, exterior lighting and access to them for maintenance and emergencies;
- (6) Outline of all existing buildings, including proposed structures (e.g. residence, garage, storage shed, etc.) on site and on adjacent parcels within 300 feet of the property lines of the site and any private access thereto. Distance from the Solar Energy Facility to each building shall also be shown on the plan;
- (7) Location and approximate height of tree cover and any potential shading from nearby structures or vegetation.
- (8) Designation of NHESP Estimated Habitats of Rare Wildlife, NH Priority Habitats of Rare Species zones and Groundwater Protection District if applicable
- (9) **Visualizations:** The PGA may select up to four sight lines, including from the nearest building with a view of the Solar Energy Facility for pre- and post-construction view representations. Sight lines for the view representations shall be selected from populated areas proximate to the proposed Solar Energy Facility. View representations shall have the following characteristics:
 - (a) View representations shall be in color and shall include actual pre- construction photographs and accurate post-construction simulations of the height and breadth of the

Solar Energy Facility (e.g. superimpositions of the Solar Energy Facility onto photographs of existing views);

(b) All sight line view representations will include existing, or proposed, buildings or tree coverage;

(10) Applicant shall demonstrate to the PGA's satisfaction that the following design process was followed in determining the layout of a proposed Commercial Solar Energy Facility or On-Site Solar Energy Facility;

(a) Understanding the development site: Inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other;

(b) Evaluating site context: The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities;

The PGA may require additional information, data or evidence as it deems necessary pursuant to the site plan approval process.

C. Waivers:

The PGA may waive, by an affirmative vote, any of the submittal and design requirements if it determines that strict compliance with those submittal and design requirements, because of the size or unusual nature of proposed building(s), structure(s), or lay of the land, may not be in the best interest of the Town and general public.

D. Modifications to Approved Site Plans:

All material modifications to a Solar Energy Facility made after issuance of the required permit shall require approval by the PGA as outlined in Section 165-83.V.

E. Appeals:

The decision of the PGA and/or Building Inspector made on any project subject to the provisions of this section may be appealed pursuant to the provisions of Chapter §165-98 of Town of Georgetown's Zoning Bylaw.

F. Enforcement:

Enforcement of violations of any approvals and conditions of approvals, including violations of any development and/or performance standards identified in this Section shall be governed by Section §165-97 of the Town of Georgetown Zoning Bylaw.

G. Severability:

The invalidity of any section or provision of this Bylaw by a Court or Agency of competent jurisdiction shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

H. Issuance of Building Permit:

No building permit for a Solar Energy Facility shall be issued until the PGA has rendered its' decision on the Site Plan Approval application. Any site clearing or disturbance done on a site proposed for a Solar Energy Facility without a Building Permit shall be deemed improper clearing; a violation of the Town of Georgetown Zoning Bylaw and shall be enforced pursuant to provisions of Chapter 165 Article XVI.

I. Expiration:

A permit issued pursuant to this bylaw shall expire if a Solar Energy Facility is not installed and operational within 24 months from the date of approval, or is discontinued or deemed discontinued pursuant to this bylaw.

J. Violations:

It shall be unlawful for any person to construct, install, or operate a Solar Energy Facility that is not in compliance with this bylaw or with any condition contained in a permit issued pursuant to this bylaw. Alterations or expansion of existing Solar Energy Facilities shall be subject to the provisions of this bylaw.

§ 165-141 Development and Performance Standards.

Any proposed Solar Energy Facility shall be subject to development and performance standards, as set forth below, for the placement, design, construction, monitoring, modification and removal. Such development and performance standards exist to address public safety and minimize impacts on scenic, natural and historic resources of the Town. Whereas all projects must demonstrate compliance with applicable provisions of Section §165, the following standards shall be in addition to and in the effect of a conflict shall take precedence over design standards of Section §165-83 and Appendix 4 Intensity of Use Schedule:

A. Dimension and Density Requirements.

- (1) **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For a Solar Energy Facility, compliance with front, side and rear setbacks shall be as follows:
 - (a) Front yard: The front yard shall have a depth of at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the front yard shall not be less than 50 feet;
 - (b) Side yard: Each side yard shall have a depth at least 20 feet from the property line provided, however, where the parcel abuts a conservation use, recreational use or residential district, the side yard shall not be less than 50 feet;
 - (c) Rear yard: The rear yard depth shall be at least 20 feet from the property line provided, provided, however, where the parcel abuts a conservation use, recreational use or residential district, the rear yard shall not be less than 50 feet.
- (2) The PGA may grant a waiver from setback requirements if the applicant can demonstrate:
 - (a) Failing to do so would render the siting of the Solar Energy Facility unfeasible; and
 - (b) The waiver will not impede access or egress for maintenance personnel or emergency responders; and
 - (c) The waiver will not adversely affect the intent of this bylaw in terms of development and design standards.

B. Design Standards.

- (1) **Lighting:** Lighting of a Solar Energy Facility shall be consistent with Town of Georgetown, state and federal law and shall be limited to that required for safety and operational purposes.
- (2) **Landscaping:** Applicant shall submit a Landscape Plan detailing the following:
 - (a) All proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, area of vegetative clearing, all proposed vegetative screening, fencing, planting, exterior lighting and structures;
 - (b) Planting design shall include details of the types and size of plant materials. To the extent feasible or practicable, landscaping shall be designed in an environmentally sensitive manner with non-invasive drought tolerant native plants, so as to reduce irrigation needs and heating and cooling needs;
 - (c) All landscaped areas shall be properly maintained and monitored for at least two growing seasons. Shrubs or trees that die shall be replaced by the applicant or property owner, at

their expense, within the first growing season. The long term maintenance of approved landscaping shall be the responsibility of the individual or entity identified in the application for facilities maintenance purposes.

(3) **Signage:** Location, materials and details of proposed signs shall be submitted. Signs shall comply with the provisions of Article X of Town of Georgetown Zoning Bylaws and shall be limited to:

- (a) A required sign identifying the owner and providing a 24-hour emergency contact phone number;
- (b) A sign providing identification of the manufacturer or operator of the solar photovoltaic installation;
- (c) Educational signs providing information about the facility and the benefits of renewable energy;

No advertising signs shall be permitted.

(4) **Fencing:** The Applicant shall demonstrate, if required by the PGA, the type and manner of installation for adequate security fencing.

C. Appurtenant Structures:

All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from off-site view by vegetation and joined and/or clustered to avoid adverse visual impacts. Architectural elevation drawings for structures exceeding 500 square feet of gross floor area shall be submitted as part of the application.

D. Utility Connections:

Reasonable efforts, as determined by the PGA, shall be made to place all utility connections from the Solar Energy Facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the Town of Georgetown Light Department.

E. Land Clearing and Soil Erosion:

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy facilities and per best management practices for natural and/or developed areas and otherwise prescribed by applicable laws, regulations, and bylaws, in particular but not limited to Town of Georgetown's Chapter §49 Earth Removal and Chapter §57 Erosion and Stormwater Control. The limit of work will be shown on the approved Site Plan and Proposed Installation Plan.

F. Natural Buffer and Wildlife Corridors:

An undisturbed buffer shall be part of the setback area and maintained between the Solar Energy Facility and the property line. This buffer would only be required on those projects that abut a residential district. The natural buffer should be maintained at or slightly above the highest level of the solar panels. If the natural vegetative visual buffer would have a detrimental effect on the ability to generate power, an alternative screening buffer may be proposed. A Solar Energy Facility shall be designed and constructed to optimize the existence and maintenance of natural buffers and wildlife corridors.

G. Operation, Monitoring and Maintenance:

(1) **Minimum Maintenance Responsibilities:** The applicant, owner or operator shall maintain the Solar Energy Facility in good condition. The individual or entity responsible for maintenance shall be clearly identified in the application. Maintenance shall include, but not be limited to,

painting, structural repairs, and integrity of security measures. Site access shall be provided and maintained to a level acceptable to the Fire Chief and other public safety officials. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Facility and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction. The owner and/or operator shall be responsible for all activities identified until the Facility is discontinued or decommissioned. After decommissioning the property owner shall be responsible for all maintenance;

(2) **Operation and Maintenance Plan:** As required in and to satisfy Section 165-139.J.

H. Removal / Decommissioning / Discontinuance:

(1) **Removal Requirements:** Any Solar Energy Facility that has reached the end of its useful life or has been discontinued shall be removed. A Facility not in operation for a period of one hundred and fifty (150) continuous days or more without written permission from the PGA shall be considered discontinued. Upon written request from the Building Inspector addressed to the contact address provided and maintained by the owner and operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the Facility. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the Facility has been discontinued. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. At least thirty (30) days prior to the proposed date of discontinuation of operations, the owner or operator shall notify the PGA and the Building Inspector by Certified Mail of the proposed date of discontinued operations and include plans for removal. If the owner or operator of the Solar Energy Facility fails to remove the Facility in accordance with the requirements of this section, the Town of Georgetown shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the Facility at the expense of the owner of the Facility and the owner(s) of the site on which the Facility is located.

(2) **Decommissioning:** shall consist of:

- (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- (b) Any municipal utility connections shall be disconnected to the satisfaction of the Municipal Light Department, Highway Surveyor and Fire Department;
- (c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (d) Stabilization or re-vegetation of the site as necessary to minimize erosion. The PGA may require submission of a landscape plan showing post decommissioning site conditions for its review and approval. The PGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

A 2/3 vote is required to approve this article.

Article 27: Use Regulations and Intensity of Use Schedule: Modifications (ATM15-27) (Submitted by Planning)

To see if the Town will vote to amend the Zoning Bylaw, §165-11 – Use Regulations and Intensity of Use Schedule by *REMOVING* the following use category and the uses thereunder:

<u>Other Uses:</u>	<u>RA</u>	<u>RB</u>	<u>CA</u>	<u>CB</u>	<u>CC</u>	<u>IA</u>	<u>IB</u>	<u>RC</u>
<u>Commercial Radio and Television Transmission</u>	O	A	O	O	O	O	A	A
<u>Signs</u>	P	P	P	P	P	P	P	P
<u>Temporary Structures</u>	P	P	P	P	O	P	P	P
<u>Pipe Organ Making</u>	O	O	P	O	O	O	O	O
<u>Housing for Elderly</u>	P	A	A	A	A	A	P	A

D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use

and *INSERTING* the following uses in the categories indicated:

	<u>RA</u>	<u>RB</u>	<u>CA</u>	<u>CB</u>	<u>CC</u>	<u>IA</u>	<u>IB</u>	<u>RC</u>
<u>Business Uses:</u>								
Pipe Organ Making	O	O	P	O	O	O	O	O
Signs	P	P	P	P	P	P	P	P
Solar Energy Facilities	P	P	P	P	P	P	P	P

Industrial Uses:

<u>Commercial Radio and Television Transmission</u>	O	A	O	O	O	O	A	A
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Rural Uses:

<u>Temporary Structures</u>	P	P	P	P	O	P	P	P
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D = Special Permit by Planning Board, O = An excluded or prohibited use, P = A permitted use

or take any other action relative thereto.

A 2/3 vote is required to amend the Zoning Bylaw.

Article 28: §165 - 69 Accessory Apartments (ATM15-28) (Submitted by Planning Board)

To see if the Town will vote to amend the Zoning Bylaw, §165-69.2 *Affordable Accessory Apartments*, by *INSERTING* the following text:

§165-69.2 Affordable Accessory Housing

Purpose and intent. It is the specific intent of this section to allow accessory apartments, including kitchens, within single-family properties for the purpose of meeting the need for affordable housing by adding units to the town’s affordable housing census.

To achieve these goals and to promote the other objectives of this section, specific standards are set forth below for such accessory apartment uses. A special permit issued by the Zoning Board of Appeals may authorize such use that meets the criteria shown below.

REQUIREMENTS

- A. Owner occupancy required. The owners of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. An owner shall not be deemed to occupy a unit unless the owner resides in the premises for a minimum of nine (9) months per year.
- B. The acceptance of the apartment on the State Subsidized Housing Inventory “SHI” by the State Department of Housing and Community Development. Requirements may include, but not be limited to, regulatory agreements, deed riders and other restrictions, limitations and reviews as deemed necessary by DHCD and the permitting authority.

- C. Apartment size. The maximum livable floor area for an accessory apartment shall not exceed 33% of the total livable floor area of the existing primary dwelling or 700 square feet, whichever is greater. In the case of new construction, the aforementioned will apply to the planned primary dwelling. Livable floor area is defined under this chapter. *Editor's Note: See § 165-7 where "livable floor area" is defined.*
- D. The permit shall be suspended if the approved unit is no longer included on the "SHI" and the occupancy permit issued under this Zoning Bylaw shall become null and void
- E. Code compliance. The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change in occupancy.
- F. Preservation of single-family characteristics. The accessory apartment shall not change the single-family characteristic of the dwelling except for the provision of an additional access or egress.
- G. There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.
- H. Dwelling units in new developments may apply for special permit after subdivision road as-builts have been provided and approved by the Planning Board.
- I. The number of apartments approved pursuant to this bylaw shall not exceed ten (10) per year.

or take any other action in relation thereto.

A 2/3 vote is required to approve this article.

Article 29: Town By-Law Amendment Chapter 15 (ATM15-33)

To see if the Town will vote to amend Chapter 15 of the Town's Bylaws and add the following section: **Removal of dog waste from public property or property of others**

- A. Any person having care, custody or control of a dog shall be responsible for the removal and sanitary disposal of any feces left by his or her dog in or upon any public property, including but not limited to any sidewalk, street, thoroughfare, beach or wetland, or in or upon the property of persons other than the owner or person have care, custody or control of said dog. Any person having care, custody or control of a dog off the property of the owner or person in custody of the dog shall have in his or her possession a device or equipment to pick up and remove dog feces. Individuals with disabilities aided by service dogs and law enforcement, emergency or rescue officials with dogs carrying out official duties are exempt from this paragraph.

- B. Violations and Penalties:

Any person found in violation of Chapter 15 by the Animal Control Officer, Assistant Animal Control Officer or a Police Officer shall be subject to payment of a fine of \$30.00 for the first offense; \$50.00 for the second offense and \$150.00 for the third and subsequent offenses. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce these penalties through the Town's Non-Criminal Disposition as outlined in Chapter 15, Section 5 (M.G.L. 140).

Article 30: Gift of land Parcel F, 172 East Main Street (ATM16-34)

To see if the Town will vote to authorize the Board of Selectmen to accept, for passive recreation purposes, a gift of land shown as “Parcel F, having an area of 14.635 acres, on a plan entitled: “Definitive Plan, Turning Leaf, Georgetown, Ma.”, dated Oct. 10, 2013, and recorded with the Essex South Registry of Deeds in Plan Book 445, as Plan 49, and to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, and further to place such land in the care, custody and control of the Georgetown Conservation Commission, or take any other action in relation thereto. (Majority vote)

Article 31: Intensity of Use Schedule (ATM15-36) (Submitted by Selectmen)

To see if the Town will vote to amend the Zoning Bylaw by amending Chapter §165-11 – *Intensity of Use Schedule*, specifically to remove footnotes 1, 8, and 9, which footnotes provide as follows:

1. For multiple-family units or apartments, 10,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-4-1973 ATM, Art. 5 (Amdt. No. 44); 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]

8. For multiple-family units, 20,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-11-1990 ATM, Art. 37(Amdt.No.)]

9. For multiple-family units, 40,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in § 165-7. [Amended 6-11-1990 ATM, Art. 37]

and further to amend Chapter §165-68 *Apartments*, specifically to delete Section A, which section provides as follows:

There shall be a minimum usable land area of 10,000 square feet for each family or dwelling unit hereafter altered or erected. “Usable Land” shall be constructed to mean land that is continuous, without interruption by a swamp, permanent or semi-permanent body of natural water, such as a brook, river, pond or swamp. All the required area shall consist of continuous building area (CBA) as defined in §165-7. [Amended 6-11-1990 ATM, Art. 37 (Amdt.No.82)]

or take any other action in relation thereto.

A 2/3 vote is required to amend the Zoning Bylaw.